

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

DAN M. MCCONKEY,

05-CV-853-ST

Plaintiff,

ORDER

v.

JO ANNE B. BARNHART,  
Commissioner, Social Security  
Administration,

Defendant.

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**BROWN, Judge.**

Magistrate Judge Janice M. Stewart issued Findings and Recommendation (#16) on April 4, 2006, in which she recommended this Court reverse the Commissioner's decision and remand pursuant to Sentence Four of 42 U.S.C. § 405(g) for the determination and payment of benefits. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b).

Because no objections to the Magistrate Judge's Findings and Recommendation were timely filed, this Court is relieved of its obligation to review the record *de novo*. *Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9<sup>th</sup> Cir. 1983). See also *Lorin Corp. v. Goto & Co.*, 700 F.2d 1202, 1206 (8<sup>th</sup> Cir. 1983). Having reviewed the legal principles *de novo*, the Court does not find any error.

**CONCLUSION**

The Court **ADOPTS** Magistrate Judge Stewart's Findings and

Recommendation (#16). Accordingly, the Court **REVERSES** the Commissioner's decision and **REMANDS** this case to the Commissioner pursuant to Sentence Four of 42 U.S.C. § 405(g) for the determination and payment of benefits consistent with the findings of this Court.

IT IS SO ORDERED.

DATED this 24<sup>th</sup> day of May, 2006.

/s/ Anna J. Brown

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ANNA J. BROWN  
United States District Judge